

Notice of Allowability

Application No.

09/679,767

Examiner

Michael C. Miggins

Applicant(s)

SMITH ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/29/05.
2. ☒ The allowed claim(s) is/are 1-6, 8-17, 19-28 and 30-33.
3. ☒ The drawings filed on 05 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/31/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

MICHAEL MIGGINS
PRIMARY EXAMINER

Michael C. Miggins

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Greg Croft on 5/31/05.

The application has been amended as follows:

In the claims:

Claims 7, 18 and 29 are canceled.

In claim 1, line 3, after "about 11%" and before "a single sheet" the phrase "or less," has been deleted and the phrase - - to about 7%, - - has been inserted in place thereof.

In claim 1, line 4, after "Void Volume of about" and before "per gram" the phrase "or greater" has been deleted and the phrase - - to about 11 grams - - has been inserted in place thereof.

In claim 12, line 4, after "about 11%" and before "a single sheet" the phrase "or less," has been deleted and the phrase - - to about 7%, - - has been inserted in place thereof.

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In claim 12, line 5, after "Volume of about" and before "per gram" the phrase "or greater" has been deleted and the phrase - - to about 11 grams - - has been inserted in place thereof.

In claim 23, line 4, after "about 11%" and before "a single sheet" the phrase "or less," has been deleted and the phrase - - to about 7%, - - has been inserted in place thereof.

In claim 23, line 5, after "Void Volume of about" and before "per gram" the phrase "or greater" has been deleted and the phrase - - to about 11 grams - - has been inserted in place thereof.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

With regard to claims 1, 12 and 23 the prior art fails to teach or suggest a roll of bath tissue comprising a basesheet, said basesheet has a geometric mean stretch of about 11% or less, a single sheet caliper of about 0.01 inch or less, and a void volume of about 8 grams or greater per gram of tissue.

The closest prior art Salman, Edwards and Farrington fail to disclose a geometric mean stretch of about 11% or less. Furthermore, the prior art fails to provide motivation for obtaining applicant's recited mean stretch with a single sheet caliper of about 0.01 inch or less, and a void volume of about 8 grams or greater per gram of tissue.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

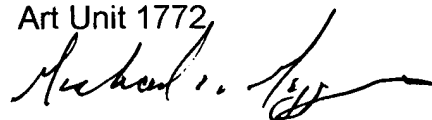
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCM

Michael C. Miggins
Primary Examiner
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May 31, 2005